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Of Attorneys for Plaintiff Bullseye Glass Co.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CV '06 . 1 10 Si

BULLSEYE GLASS CO., an Oregon
corporation,

Civil No. _____

PLAINTIFF,

COMPLAINT
Copyright Infringement

v.

STERLING PUBLISHING CO., INC., a
Delaware corporation, and **PARRAMON**
EDICIONES, S.A., a Spanish corporation,

DEFENDANTS.

Plaintiff alleges:

PARTIES

1.

Plaintiff Bullseye Glass Co. ("Bullseye") is an Oregon corporation with its principal place of business in Portland, Oregon.

2.

Defendant Sterling Publishing Co., Inc. ("Sterling") is a Delaware corporation with its principal place of business in New York, New York.

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3.

Defendant Parramon ediciones, s.a. ("Parramon") is a Spanish corporation with its principal place of business in Barcelona, Spain.

JURISDICTION AND VENUE

4.

Sterling regularly sells and promotes books, including a book that is the subject of this proceeding, in Oregon, or in channels that Sterling can reasonably expect to reach Oregon. Therefore, this Court has personal jurisdiction over Sterling.

5.

Parramon licensed Sterling to sell in the United States, including Oregon, a book that is the subject of this proceeding. A reasonable opportunity for discovery and further investigation will show that Parramon also directs other business activities to the United States, including the sale and/or licensing of books. Therefore, this Court has personal jurisdiction over Parramon.

6.

Plaintiff seeks relief under 17 U.S.C. § 501, *et. seq.* Therefore, this Court has subject matter jurisdiction under 28 U.S.C. § 1338(a).

7.

Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

CLAIM FOR RELIEF

(Copyright Infringement)

8.

Bullseye is the world's leading manufacturer of art glass. Bullseye also teaches courses on kiln forming of art glass. The kiln-forming process typically involves heating different colored pieces of glass in a kiln to fuse them together and/or to form them into particular shapes.

9.

Bullseye has developed written instructional materials for use in its courses. The materials include a course book titled "BEGINNING KILNFORMED GLASS," which Bullseye first published in 1995; a modified version of the course book published under the same name in 2003; and written materials containing substantially the same information published under the name "Tech Notes" in 2004 (collectively "Bullseye Written Materials "). Bullseye owns the copyrights in the Bullseye Written Materials. Bullseye has registered its copyrights in the 1995 and 2004 materials with the United States Copyright Office. Bullseye has applied for registration of the 2003 materials and is waiting for notification of that registration.

10.

In October 2003, Parramon published a book, under the title "El Vidrio," about kiln forming of art glass. The book contains written material and illustrations that were copied from the Bullseye Written Materials without Bullseye's permission or consent.

11.

In 2005, Sterling published an English-language versions of "El Vidrio" under the title "Warm Glass." The English-language version also included written material and illustrations copied from the Bullseye Written Materials without Bullseye's permission or consent.

12.

Parramon and Sterling therefore have infringed Bullseye's copyrights in the Bullseye Written Materials.

WHEREFORE, Bullseye prays for relief as follows:

1. For disgorgement of profits made by Parramon and Sterling through use of Bullseye's copyrighted material;
2. For actual damages suffered by Bullseye;
3. For an injunction against further distribution of "El Vidrio" and "Warm Glass" without removal of all infringing materials;

4. For Bullseye's costs incurred herein; and
5. For other relief the Court deems just and proper.

DATED this 26th day of January, 2006.

TONKONTORP LLP

By



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Of Attorneys for Plaintiff Bullseye Glass Co.

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